

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION

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TIMOTHY J. FAST,  
on behalf of himself and  
all others similarly situated,

Plaintiff,

v.

Case No. 16-CV-1347

CASH DEPOT LTD.,

Defendant.

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**PLAINTIFF'S AMENDED ANSWERS TO DEFENDANT'S [SECOND SET] OF  
INTERROGATORIES AND REQUEST TO PRODUCE DOCUMENTS**

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**GENERAL RESERVATIONS AND OBJECTIONS**

1. These responses are made on the basis of information presently available and located by Plaintiff, and Plaintiff reserves the right to modify his responses and/or objections with such additional information as subsequently may be discovered.

2. Plaintiff objects to each of the interrogatories to the extent that they seek information regarding communications between Plaintiff and his legal counsel on the ground that such communications are privileged and not subject to discovery. No response is intended to waive such privilege, including the inadvertent disclosure of any privileged information which resulted from Plaintiff's good faith effort to thoroughly respond to these interrogatories in the required period of time. Further, while Plaintiff has provided information relating to work performed by his legal counsel in this case, such disclosure is for purposes of providing factual evidence of work performed. The substance is privileged. Plaintiff reserves the right to recall any privileged information that was inadvertently disclosed in responding to these Discovery Requests.

**EXHIBIT 2**

## **INTERROGATORIES**

**INTERROGATORY NO. 1:** With regard to the costs incurred or expended to date on your behalf for the above-referenced litigation, provide a description of each item of costs, the amount of such cost, indicate whether the cost has been paid, the amount of the payment, and the person or entity making the payment. Attached to your answer any document corroborating any aspect of your answer.

**ANSWER:** Plaintiff objects to this Interrogatory as overbroad and requesting information and/or documents protected by the attorney-client privilege and/or attorney work product doctrine. Subject to and without waiving said objection, as of December 7, 2017, Plaintiff has incurred \$407.04 in costs related to the above-referenced litigation. *See* Pl 0001-012, attached. Because litigation of this matter is ongoing, Plaintiff reserves the right to amend this response to reflect additional costs, as incurred. Further, by answering this Interrogatory, Plaintiff has not and does not agree to accept reimbursement for costs in the amounts stated herein as a form of settlement of his claims against Defendant.

**INTERROGATORY NO. 2:** With regard to the attorney's fees incurred or expended to date in this litigation, (A) describe the total amount of the fees incurred, the nature of each legal service and/or activity for which any charged was made for legal services, the amount of time spent on each such legal service and/or activity, the amount of the charged for such legal service and/or activity, and state whether payment has been made, and if so, by whom an when; (B) if the legal charges were based on increments of time, such as an hourly charge describe for each person providing legal service and/or activity, the amount of the charge, indicate the capacity (i.e. attorney, paralegal, administration staff, etc.) of the person performing such legal service and/or activity, describe the qualifications of such person to perform those tasks. Indicate the nature of

the fee agreement between you and your attorneys: this means whether the fee agreement is hourly, a flat fee, or contingent based on recovery or any other arrangement.

Attach to your answer, any document corroborating any aspect of your answer.

**ANSWER:** Plaintiff objects to this Interrogatory as overbroad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and requesting information and/or documents protected by the attorney-client privilege and/or attorney work product doctrine. Subject to and without waiving said objection, as of December 7, 2017, Plaintiff has incurred approximately \$39,920.00 in attorneys' fees related to the above-referenced litigation. *See* Pl 0001-012, attached. Because litigation of this matter is ongoing, Plaintiff reserves the right to amend this response to reflect the additional attorneys' fees he continues to incur. Further, by answering this Interrogatory, Plaintiff has not and does not agree to accept reimbursement for his attorneys' fees in the amount stated herein as a form of settlement of his claims against Defendant.

Dated this 7th day of December, 2017.

WALCHESKE & LUZI, LLC  
Attorneys for Plaintiff

By: s/ **James A. Walcheske**

James A. Walcheske, State Bar No. 1065635  
Scott S. Luzi, State Bar No. 1067405  
Kelly L. Temeyer, State Bar No. 1066294

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sluzi@walcheskeluzi.com  
ktemeyer@walcheskeluzi.com



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## Invoice

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<b>DATE</b>	<b>DUE DATE</b>
12/7/2017	<b>12/7/2017</b>

<b>BALANCE DUE</b>
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DATE	DESCRIPTION	RATE	TIME	BALANCE
12/13/2016	Postage	Postage		2.35
11/23/2016	Initial phone conversation with client	SSL Legal Service...	2	600.00
11/28/2016	Reviewed file documents	SSL Legal Service...	1	300.00
11/28/2016	Phone conversation with client re file documents and federal court complaint	SSL Legal Service...	1	300.00
11/28/2016	Case law research re class action: commonality	SSL Legal Service...	0.4	120.00
11/28/2016	Case law research: calculating regular rate, OT rate, remuneration included in regular rate	SSL Legal Service...	1.5	450.00
11/30/2016	Reviewed file documents and drafted federal court complaint	SSL Legal Service...	3.2	960.00
12/2/2016	Reviewed file documents and finished initial draft of federal court complaint	SSL Legal Service...	4.3	1,290.00
12/3/2016	Phone conversation with client re federal court complaint	SSL Legal Service...	0.5	150.00
12/3/2016	Revised federal court complaint and emailed to JAW to review, finalize, and file	SSL Legal Service...	1.2	360.00
12/5/2016	Drafted Civil Cover Sheet, Summons, NOA, Disclosure Statement -- prepared for filing by JAW	SSL Legal Service...	0.8	240.00
12/9/2016	Review/revise/finalize Complaint, Civil Cover Sheet, NOA, Disclosure Statement, Summons, Waiver, Notice of Lawsuit, and file all	JAW Legal Servic...	2.7	810.00
12/9/2016	Conference with Attorney Walcheske regarding claims	JRD Legal Service...	0.3	75.00
12/12/2016	Complete/File Refusal to Magistrate	JAW Legal Servic...	0.1	30.00
12/12/2016	File signed Fast Consent to Join Form	JAW Legal Servic...	0.1	30.00

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DATE	DESCRIPTION	RATE	TIME	BALANCE
12/13/2016	Prepare documents for service (waiver)	JAW Legal Servic...	0.2	60.00
12/30/2016	Phone conversation with client re case status update	SSL Legal Service...	0.3	90.00
2/6/2017	Reviewed file and drafted EEOC complaint & NOA	SSL Legal Service...	1.5	450.00
2/7/2017	Filed EEOC complaint & NOA	SSL Legal Service...	0.2	60.00
2/21/2017	Review/respond to email from Labs re 26(f)	JAW Legal Servic...	0.1	30.00
2/22/2017	Emails to and from Burnett re 26(f) conference	JAW Legal Servic...	0.1	30.00
2/23/2017	Begin pre-drafting 26(f) report	JAW Legal Servic...	0.9	270.00
2/23/2017	Review/respond to email from Houlihan re conference scheduling	JAW Legal Servic...	0.1	30.00
2/24/2017	Review complaint to add context to draft 26(f) report; 26(f) conference with Burnett and Labs; and revise/quasi-finalize draft 26(f) report	JAW Legal Servic...	0.9	270.00
2/28/2017	Revise draft 26(f) report and email to Burnett and Labs	JAW Legal Servic...	0.1	30.00
3/1/2017	Review email from Burnett approving of draft 26(f)	JAW Legal Servic...	0.1	30.00
3/1/2017	Finalize and file 26(f) report	JAW Legal Servic...	0.2	60.00
3/1/2017	Draft email to Clerk providing contact info for telephone conference	JAW Legal Servic...	0.1	30.00
3/15/2017	Download/review Minute Entry and Scheduling Order	JAW Legal Servic...	0.1	30.00
3/15/2017	Emails to and from Attorney Luzi re case strategy	JAW Legal Servic...	0.2	60.00
3/15/2017	Phone conversation with client re case status and Scheduling Conference	SSL Legal Service...	0.3	90.00
3/15/2017	Rule 16 Conference	JAW Legal Servic...	0.3	90.00
3/15/2017	Review Complaint and 26(f) in advance of teleconference	JAW Legal Servic...	0.3	90.00

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DATE	DESCRIPTION	RATE	TIME	BALANCE
3/28/2017	Review file and draft initial disclosures	JAW Legal Servic...	0.6	180.00
3/30/2017	Draft email to Labs forwarding initial disclosures	JAW Legal Servic...	0.1	30.00
3/30/2017	Email correspondence with client re case status update	SSL Legal Service...	0.1	30.00
4/5/2017	Review case documents and draft first set of discovery requests	KLT Legal Servic...	1	250.00
4/6/2017	Draft first set of discovery requests	KLT Legal Servic...	1.3	325.00
4/10/2017	Strategy conference with JAW re: discovery	KLT Legal Servic...	0.5	125.00
4/10/2017	Attorney conference w Attorney Temeyer re discovery and case strategy	JAW Legal Servic...	0.3	90.00
4/12/2017	Draft and revise first set of discovery requests	KLT Legal Servic...	1	250.00
4/13/2017	Draft e-mail to JAW re: first set of discovery for review and discussion	KLT Legal Servic...	0.1	25.00
5/10/2017	Review/revise discovery requests	JAW Legal Servic...	0.8	240.00
5/30/2017	Phone conversation and email correspondence with client re case status update	SSL Legal Service...	0.2	60.00
6/13/2017	Attorney conference w Attorney Temeyer re status of discovery responses	JAW Legal Servic...	0.1	30.00
6/13/2017	Phone call with JAW re: status of discovery responses	KLT Legal Servic...	0.1	25.00
6/14/2017	Review status of discovery responses; draft f/u letter to OC re: status of discovery responses; fax; receive and review e-mail response from OC; respond; receive and review letter from OC re: draft check for client and offer to pay fees and discovery requests	KLT Legal Servic...	0.7	175.00

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6/15/2017	Attorney conference w Attorney Temeyer re Def's discovery responses and check made out to C	JAW Legal Servic...	0.3	90.00
6/15/2017	Conference with JAW re: Def discovery responses and check for client's unpaid compensation	KLT Legal Servic...	0.3	75.00
6/21/2017	Receive and review letter and enclosed discovery responses from OC	KLT Legal Servic...	0.5	125.00
6/22/2017	Attorney conference w Firm re case strategy	JAW Legal Servic...	0.8	240.00
6/22/2017	Phone call with Larry Johnson re case status, strategy	JAW Legal Servic...	0.2	60.00
6/23/2017	Draft email to Labs requesting conference call to discuss case status and issues	JAW Legal Servic...	0.1	30.00
6/23/2017	Emails to and from Labs re scheduling of teleconference	JAW Legal Servic...	0.1	30.00
6/26/2017	Conference with Attorney Walcheske regarding defendant's counsel's overtime calculations	JRD Legal Service...	0.2	50.00
6/26/2017	Review discovery responses from Defendant, outline deficiencies, and run calculations and compare with amounts paid to C via Schenck audit	JAW Legal Servic...	3.6	1,080.00
6/26/2017	Conference with JAW re: calculating regular rate of pay with on-call premiums	KLT Legal Servic...	0.4	100.00
6/27/2017	Review personnel file as produced	JAW Legal Servic...	0.4	120.00
6/28/2017	Conference with Attorney Walcheske regarding case strategy	JRD Legal Service...	0.4	100.00

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DATE	DESCRIPTION	RATE	TIME	BALANCE
6/28/2017	Continue conducting calculations, hold teleconference with Burnett, hold attorney conferences with Attorneys Dill and Temeyer re strategy, draft discovery dispute letter to Burnett, and draft second set of discovery to Defendant	JAW Legal Servic...	2	600.00
6/28/2017	Conference with JAW re: outstanding issues re: damages calculations and Defendant discovery responses/production	KLT Legal Servic...	0.4	100.00
7/2/2017	Review/edit proposed stip to stay	JAW Legal Servic...	0.2	60.00
7/5/2017	Draft stip to stay and email to Burnett forwarding same	JAW Legal Servic...	0.5	150.00
7/6/2017	Draft/revise/finalize discovery dispute letter and second set of discovery and email both to Burnett	JAW Legal Servic...	0.8	240.00
7/6/2017	Review email regarding and attached draft stipulation and draft responsive email approving draft	JAW Legal Servic...	0.1	30.00
7/7/2017	Review/respond to Burnett's email refusing to provide discovery	JAW Legal Servic...	0.2	60.00
7/7/2017	Review/respond to email from Burnett re discovery dispute letter	JAW Legal Servic...	0.1	30.00
7/10/2017	Review email from Labs re Schenk scheduling	JAW Legal Servic...	0.1	30.00
7/10/2017	Review/respond to email from Burnett re call with Schenk	JAW Legal Servic...	0.1	30.00
7/12/2017	Attorney conference w Attorney Temeyer re our discovery responses	JAW Legal Servic...	0.2	60.00

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DATE	DESCRIPTION	RATE	TIME	BALANCE
7/12/2017	Draft answers and objections to Defendant's discovery requests; discuss with JAW	KLT Legal Servic...	1	250.00
7/13/2017	Revise and finalize discovery responses; draft cover letter and fax to OC	KLT Legal Servic...	0.4	100.00
7/13/2017	Revise discovery responses	JAW Legal Servic...	0.3	90.00
7/14/2017	Review/respond to email from Labs re scheduling Schenck call	JAW Legal Servic...	0.1	30.00
7/17/2017	Prepare e-mail correspondence to Attorney Walcheske regarding defense strategy and checks	JRD Legal Service...	0.1	25.00
7/17/2017	Receive and review letter from OC re: incomplete discovery responses	KLT Legal Servic...	0.2	50.00
7/18/2017	Review letter from Burnett re our discovery responses	JAW Legal Servic...	0.1	30.00
7/20/2017	Review my OT wage calculations and disseminate to firm for input	JAW Legal Servic...	0.3	90.00
7/20/2017	Attorney conferences w Attorneys Temeyer and Dill re calculations, strategy	JAW Legal Servic...	0.9	270.00
7/20/2017	Phone call with Labs and Schenk rep	JAW Legal Servic...	0.2	60.00
7/20/2017	Review overtime calculations and discuss with JAW; strategy conference re: settlement/next steps	KLT Legal Servic...	0.5	125.00
7/20/2017	Review e-mail correspondence from Attorney Walcheske regarding damages calculation; conference with Attorney Walcheske regarding same	JRD Legal Service...	0.4	100.00
7/25/2017	Draft letter outlining resolution proposal	JAW Legal Servic...	1.2	360.00

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DATE	DESCRIPTION	RATE	TIME	BALANCE
7/25/2017	Finalize letter and draft email to Labs forwarding the same	JAW Legal Servic...	0.2	60.00
8/4/2017	Download all of Def's Motion filings and Declarations	JAW Legal Servic...	0.3	90.00
8/4/2017	Attorney conference w Attorney Temeyer re motions filed by Defendant	JAW Legal Servic...	0.3	90.00
8/4/2017	Attorney conference w Attorney Dill re combining response to Defendant's motions	JAW Legal Servic...	0.2	60.00
8/4/2017	Draft email to Burnett and Labs re response timing	JAW Legal Servic...	0.1	30.00
8/4/2017	Draft and file 7(h) Motion	JAW Legal Servic...	0.9	270.00
8/7/2017	Conference with Attorney Walcheske regarding case strategy	JRD Legal Service...	0.2	50.00
8/14/2017	Reviewed Defendant's recent filings (ECF Nos. 16 to 25) and took notes; reviewed written discovery requests and responses, including responsive documentation pertaining to Plaintiff and the class, and took notes	SSL Legal Service...	4.5	1,350.00
8/15/2017	Conducted detailed calculations regarding damages, specifically Plaintiff's OT owed, and compared to Defendant's (Schenk's) calculations; determined that Defendant's (Schenk's) calculations were done incorrectly	SSL Legal Service...	2.7	810.00
8/15/2017	Case law research (WI, Seventh Circuit, and FLSA administrative code sections) re damages (remuneration included in regular rate, determining OT rate from regular rate)	SSL Legal Service...	1.4	420.00

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DATE	DESCRIPTION	RATE	TIME	BALANCE
8/16/2017	Attorney conference w Attorney Luzi re regular rate calculations, potential arguments, regulatory provisions	JAW Legal Servic...	0.3	90.00
8/16/2017	Review brief in support of motion to dismiss	JAW Legal Servic...	0.2	60.00
8/16/2017	Teleconference with Attorney Walcheske regarding calculation of overtime	JRD Legal Service...	0.2	50.00
8/16/2017	Research regular rate case law	JAW Legal Servic...	1.1	330.00
8/16/2017	Email correspondence with client re Defendant's recent filings and our research in investigation/response to same	SSL Legal Service...	0.2	60.00
8/17/2017	Review Def's filed declarations in support of motions	JAW Legal Servic...	0.3	90.00
8/17/2017	Attorney conference w Attorney Luzi re declarations and motion strategy	JAW Legal Servic...	0.3	90.00
8/17/2017	Begin outlining arguments for brief in opposition	JAW Legal Servic...	0.6	180.00
8/17/2017	Conference call with client re Defendant's recent filings and our research in investigation/response to same and case status moving forward	SSL Legal Service...	1.3	390.00
8/18/2017	Work on fact section of response brief	JAW Legal Servic...	3.6	1,080.00
8/21/2017	Strategy conference regarding discovery issues and responding to motion to dismiss/smj motion	KLT Legal Servic...	1.5	375.00
8/21/2017	Research mootness, particularly in context of standards for mootness and mootness in context of tendered check/settlement offer; briefly revise response to motions based on cases reviewed	JAW Legal Servic...	6.9	2,070.00

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8/21/2017	Conference with Attorneys Walcheske, Luzi, and Temeyer regarding case strategy	JRD Legal Service...	1.5	375.00
8/21/2017	Firm conference re Def's motions, response strategy, strategy re offensive motions, timing of filings	JAW Legal Servic...	1.5	450.00
8/21/2017	Research limiting communications with putative class and begin drafting 7(h) for continuation of stay and limiting communications	JAW Legal Servic...	2.1	630.00
8/21/2017	Inter-office strategy meeting re recent filed motions and case strategy	SSL Legal Service...	1.5	450.00
8/21/2017	Phone conversation with client re case status update	SSL Legal Service...	0.3	90.00
8/22/2017	Draft/review/revise declarations of Temeyer and Walcheske; forward Temeyer declaration to Attorney Temeyer for review/approval; file declarations and exhibits	JAW Legal Servic...	2.2	660.00
8/22/2017	Reviewed and revised 7(h) motion; returned to JAW to finalize and file	SSL Legal Service...	0.5	150.00
8/22/2017	Continue working on response brief	JAW Legal Servic...	1.6	480.00
8/22/2017	Review and revise Local Rule 7(h) motion to continue stay and prohibit communications	JRD Legal Service...	0.3	75.00
8/22/2017	Draft/review/revise 7(h) for continuation of stay and limiting communications	JAW Legal Servic...	2.1	630.00
8/24/2017	Continue working on response brief	JAW Legal Servic...	6.2	1,860.00
8/25/2017	Continue working on response brief	JAW Legal Servic...	5.9	1,770.00

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8/28/2017	Review Defendant's response to Local Rule 7(h) motion; multiple teleconferences with Attorney Walcheske and Attorney Luzi regarding same	JRD Legal Service...	1.5	375.00
8/28/2017	Draft/review/revise brief in opposition	JAW Legal Servic...	9.7	2,910.00
8/29/2017	Review Court's Order on 7h	JAW Legal Servic...	0.1	30.00
8/29/2017	Reviewed and edited PLAINTIFFS BRIEF IN OPPOSITION TO DEFENDANTS MOTIONS TO LIFT THE TEMPORARY STAY OF PROCEEDINGS, DISMISS ON MOOTNESS GROUNDS, AND FOR SUMMARY JUDGMENT; returned to JAW to finalize and file	SSL Legal Service...	2.2	660.00
8/29/2017	Review/revise response brief	JAW Legal Servic...	0.8	240.00
8/30/2017	Review brief in opposition to motions	JRD Legal Service...	1.3	325.00
8/31/2017	Revise response brief	JAW Legal Servic...	0.5	150.00
9/1/2017	Draft/review/revise/finalize response brief and declarations; file all	JAW Legal Servic...	5.4	1,620.00
9/15/2017	Review Def's Reply Brief and declarations; research case law; prepare issues for surreply	JAW Legal Servic...	2	600.00
9/18/2017	Review reply brief; review and revise sur-reply brief	JRD Legal Service...	0.9	225.00
9/18/2017	Attorney conference with Attorney Temeyer re Reply and possible Surreply	JAW Legal Servic...	0.2	60.00
9/18/2017	Continue working on, finalize, and file surreply	JAW Legal Servic...	4.2	1,260.00
9/19/2017	Review Def's response to motion for surreply	JAW Legal Servic...	0.1	30.00

### BALANCE DUE:

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*If paying by check, please make check out to Walcheske & Luzi, LLC. Thanks!*

Signature \_\_\_\_\_



15850 West Bluemound Road, Suite 300, Brookfield, WI 53005

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## Invoice

<b>BILL TO</b>
Tim Fast

DATE	DUE DATE
12/7/2017	12/7/2017

<b>BALANCE DUE</b>
--------------------

DATE	DESCRIPTION	RATE	TIME	BALANCE
9/19/2017	Attorney conference with Attorneys Dill and Luzi re Def's response to motion for surreply	JAW Legal Servic...	0.1	30.00
11/7/2017	Review Court Order	JAW Legal Servic...	0.2	60.00
11/7/2017	Conference with Attorney Luzi re Order, implications, and next steps	JAW Legal Servic...	0.5	150.00
11/7/2017	Status Update conversation/meeting with JAW re Court's ruling	SSL Legal Service...	0.5	150.00
11/7/2017	Review Order and Decision on pending motions	KLT Legal Servic...	0.3	75.00
11/9/2017	Phone conversation with client re Court decision and case strategy moving forward	SSL Legal Service...	0.8	240.00
11/9/2017	Conference with Attorneys Luzi and Temeyer re Order, case strategy, and next steps	JAW Legal Servic...	0.3	90.00
11/9/2017	Strategy conference re: decision/order and next steps	KLT Legal Servic...	0.3	75.00
11/15/2017	Review Court's Order on Motions	JAW Legal Servic...	0.2	60.00
11/15/2017	Draft email to Burnett and Labs re scheduling call to discuss status and next steps	JAW Legal Servic...	0.1	30.00
11/16/2017	Review/respond to email from Houlihan scheduling call with Burnett	JAW Legal Servic...	0.1	30.00
11/27/2017	Phone conference with Burnett re case status and next steps	JAW Legal Servic...	0.2	60.00
11/27/2017	Conference with Attorney Temeyer re case status and next steps	JAW Legal Servic...	0.4	120.00

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# Invoice

<b>BILL TO</b>
Tim Fast

<b>DATE</b>	<b>DUE DATE</b>
12/7/2017	<b>12/7/2017</b>

<b>BALANCE DUE</b>
<b>\$40,327.04</b>

DATE	DESCRIPTION	RATE	TIME	BALANCE
11/27/2017	Discuss status of case and strategy conference re: moving for conditional cert on liquidated damages claims	KLT Legal Servic...	0.4	100.00
11/29/2017	Review email and attached letter from Burnett	JAW Legal Servic... Reimb Group	0.1	30.00
12/9/2016	Federal Court Filing Fee			400.00
7/13/2017	Postage			1.82
8/15/2017	Postage			2.87
	Total Reimbursable Expenses			404.69

**BALANCE DUE: \$40,327.04**

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Card # \_\_\_\_\_, expires \_\_\_\_/\_\_\_\_, CVV \_\_\_\_\_, Zip Code \_\_\_\_\_

*If paying by check, please make check out to Walcheske & Luzi, LLC. Thanks!*

Signature \_\_\_\_\_